IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 299 (SS) of 2004

Smt. Khasti Devi
Aged about 66 years.
W/o late Harish Chand Pandey,
R/o Village – Kaknar,
Post – Chitreshwar via Daurahat,
District – Almora. **….Petitioner.**

Versus

1. Central Coal Field Ltd. a subsidiary of Coal India Ltd. a Government undertaking having its office at Somda, District – Hajaribagh (Jharkhand) through it Managing Director.
2. Deputy General Manager (Personnel), Central Somda Colliery, Post – Somda, District –Hajaribagh (Jharkhand).

….Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Shah, holding brief of Smt. Seema Sirohi, learned counsel for the petitioner and Smt. Anjali, learned Standing Counsel for Union of India on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i) a writ, order or direction in the nature of Mandamus commanding the opposite parties to fix the family pension to the petitioner immediately.

ii) a writ, order of direction in the nature of Mandamus commanding the opposite parties to pay the arrear of pension from the date of retirement till October 2000 along with 18% interest.

iii) a writ, order or direction in the nature of Mandamus commanding the opposite parties to

pay the arrear of family pension from the death of the petitioner's husband along with 18% interest.

iv) *A suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*

v) *Award the cost of the writ petition to the petitioner.*

Time was grated to the respondents to file counter affidavit but till date no counter affidavit has been filed by them.

During the course of argument, learned counsel for the petitioner has submitted that the petitioner has received a letter No. CPF /262 / Mu. /Shi. /Ranchi – 1/ VIP 45 / 05 - 06 from the office of Coal Mines Provident Fund Commissioner wherein it is stated that pension at the rate of Rs. 286/- per month has been sanctioned to the petitioner. It is further stated in the aforesaid letter that arrears of pension amounting to Rs. 51,982/- has become due for payment.

Learned counsel for the petitioner has further submitted that after receiving this letter petitioner is getting pension, however, arrears of pension has not been paid to her.

It appears to me that the bank, from which the petitioner is getting pension, has already received sanctioned of arrears of pension and it is bank, which will transfer the said amount in the account of petitioner.

Petitioner may approach the bank to get the amount of arrears of pension transferred in her account as per sanction made by Coal Mines Provident Fund Commissioner.

Since the petitioner is already getting pension, writ petitioner has become infructuous, as such, writ petition is dismissed as infructuous. Interim relief application no. nil of 2004 is rejected accordingly. No order as costs.

(M.M. Ghildiyal, J)

December 1, 2006
SKSharma

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Review / Modification Application No. 15310 of 2006
In
Writ Petition No. 299 (SS) of 2004

Smt. Khasti Devi
Aged about 66 years.
W/o late Harish Chand Pandey,
R/o Village – Kaknar,
Post – Chitreshwar via Daurahat,
District – Almora. **….Petitioner.**

Versus

1. Central Coal Field Ltd. a subsidiary of Coal India Ltd. a Government undertaking having its office at Somda, District – Hajaribagh (Jharkhand) through it Managing Director.
2. Deputy General Manager (Personnel), Central Somda Colliery, Post – Somda, District –Hajaribagh (Jharkhand).

….Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Shah, holding brief of Smt. Seema Sirohi, learned counsel for the petitioner on the review / modification application. No one is present on behalf of respondents.

This court on 01.12.2006, while disposing of the writ petition, on the statement made by learned standing counsel for the respondents that respondents have already granted arrears of pension to the petitioner, passed an order that petitioner may approach the bank to get the amount of arrear of pension transferred in petitioner's account as per sanction made by Coal Mines Provident Fund Commissioner. So far as question of pension is concerned, petitioner has admitted that petitioner was getting pension,

in view of the aforesaid, writ petition was dismissed as infructuous.

By means of this modification application, petitioner has filed a copy of letter written by petitioner to Branch Manager, State Bank of India, Daurahat and in turn of which the Branch Manager on 02.12.2006 has made endorsement that till 02.12.2006 bank has not received arrears of pension of petitioner amounting to Rs. 51,982/- which was sanctioned by Coal Mines Provident Fund Commissioner, vide order no. CPF / 262 / Mu. / Shi. / Ranch – 1/ VIP 45 / 05 - 06, according to the respondents.

In the circumstances aforesaid, I find it just and proper to direct Coal Mines Provident Fund Commissioner, Dhanbad to transfer the amount of arrears of pension, amounting to Rs. 51,982/- to the account of petitioner from which petitioner is getting pension i.e. State Bank of India, Duarahat, District – Almora as sanctioned by him vide aforesaid letter within a period of six weeks from the date of production of certified copy of this order.

Review / modification application is disposed of accordingly.

(M.M. Ghildiyal, J)

December 21, 2006
SKSharma